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Attorneys for Defendants Todd Dunning and  
Dunning Enterprise, Inc.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

EBAY, INC.

**Plaintiff,**

v.

DIGITAL POINT SOLUTIONS, INC., SHAWN HOGAN, KESSLER'S FLYING CIRCUS, THUNDERWOOD HOLDINGS, INC., TODD DUNNING, DUNNING ENTERPRISE, INC., BRIAN DUNNING, BRIANDUNNING.COM, and DOES 1-20.

## Defendants.

CASE NO.: CV-08-4052 JF PVT

**STIPULATION AND [PROPOSED]  
ORDER: APPROVING  
WITHDRAWAL OF ATTORNEY,  
ALLOWING DEFENDANT TODD  
DUNNING TO APPEAR PRO SE,  
AND PROVIDING TIME FOR  
DEFENDANT DUNNING  
ENTERPRISE, INC. TO OBTAIN  
NEW COUNSEL PURSUANT TO  
LOCAL RULE 11-5**

Pursuant to Local Rules 3-9(a) and 11-5(a), Defendant Todd Dunning requests this Court to approve the withdrawal of his counsel: Stewart Foreman, Daniel Bernhard and Cathleen Yonahara of Freeland Cooper & Foreman, LLP. Defendant Todd Dunning requests this Court to approve that he appear in this matter *pro se* to represent himself without an attorney. All papers in this case may be served on defendant Todd Dunning at: 1 Stockbridge, Aliso Viejo, California 92656; Telephone No.: (949) 448-0889, email address: karinedunning@yahoo.com

In addition, Dunning Enterprise, Inc. requests an order from this Court allowing counsel

**STIPULATION AND [PROPOSED] ORDER: APPROVING WITHDRAWAL OF ATTORNEY, ALLOWING DEFENDANT TODD DUNNING TO APPEAR PRO SE, AND PROVIDING TIME FOR DEFENDANT DUNNING ENTERPRISE, INC. TO OBTAIN NEW COUNSEL PURSUANT TO LOCAL RULE 11-5** Case No.C084052 JF PVT

1 Stewart Foreman, Daniel Bernhard and Cathleen Yonahara of Freeland Cooper & Foreman, LLP to  
2 withdraw as counsel for Dunning Enterprise, Inc. Defendant Dunning Enterprise, Inc. requests 30  
3 days for it to obtain new counsel to represent it as required by Local Rule 3-9(b). Any papers to be  
4 served on this defendant until this defendant appears by other counsel may be served c/o Todd  
5 Dunning at 1 Stockbridge, Aliso Viejo, California 92656.

6 I have given notice to all parties in this matter and consent to this withdrawal and substitution.

7 Dated: June 22, 2010

FREELAND COOPER & FOREMAN LLP

8 By:

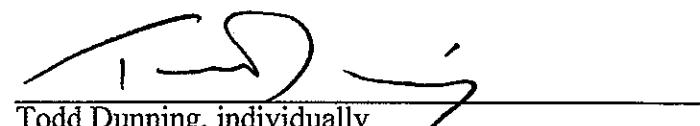


9 STEWART H. FOREMAN

10 Attorneys for Defendants Todd Dunning and  
Dunning Enterprise, Inc.

11 I, Todd Dunning, on behalf of myself and as president of defendant Dunning Enterprise, Inc.,  
12 consent to this withdrawal of counsel and request permission to appear on my own behalf *pro se*. I  
13 shall diligently attempt to find substitute counsel for Dunning Enterprise, Inc., during the next 30  
14 days.

15 Dated: June 16, 2010

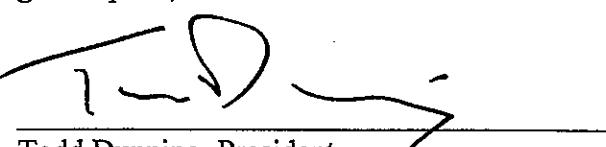
  
Todd Dunning, individually

17 IT IS SO ORDERED

18 Dated: June 28, 2010

Dunning Enterprise, Inc.

19 By:

  
Todd Dunning, President  
Judge of the United States District Court

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STIPULATION AND REQUEST FOR ORDER APPROVING WITHDRAWAL OF ATTORNEY FOR  
DEFENDANT TODD DUNNING TO APPEAR PRO SE AND TIME FOR DEFENDANT DUNNING  
ENTERPRISE, INC. TO OBTAIN NEW COUNSEL PURSUANT TO LOCAL RULE 11-5

Case No.C084052 JF PVT

## **CERTIFICATE OF SERVICE**

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action; my business address is 150 Spear Street, Suite 1800, San Francisco, California 94105.

On June 25, 2010, I served the foregoing documents described as follows:

**STIPULATION AND [PROPOSED] ORDER: APPROVING WITHDRAWAL OF ATTORNEY, ALLOWING DEFENDANT TODD DUNNING TO APPEAR PRO SE, AND PROVIDING TIME FOR DEFENDANT DUNNING ENTERPRISE, INC. TO OBTAIN NEW COUNSEL PURSUANT TO LOCAL RULE 11-5**

by placing a true and correct copy thereof enclosed in a sealed envelope addressed to the party(ies) of record whose name(s) and address(es) appear below:

**SEE ATTACHED SERVICE LIST**

[BY MAIL - CCP § 1013a] I caused such sealed envelope with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California, for collection and mailing to the office of addressee(s) on the date shown herein following ordinary business practice.

[HAND-DELIVERY/Personal/Messenger - CCP § 1011] I caused such envelope to be hand-delivered by a courier, who personally delivered such envelope to the office of the addressee(s) on the date herein.

[BY FAXSIMILE - CCP § 1013(e)] - I caused such document(s) to be transmitted via facsimile electronic equipment transmission on the party(ies), whose name(s), address(es) and fax number(s) are listed above, on the date stated herein and at the time set forth on the attached transmission reported indicating that the facsimile transmission was complete and without error.

[BY FEDEX (Overnight Delivery) - CCP § 1013(c)] I caused such envelope to be delivered to the Federal Express Office in San Francisco, California, with whom we have a direct billing account, to be delivered on the next business day.

[BY E-MAIL or ELECTRONIC TRANSMISSION] . Based on a court order or agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the email addresses listed above. I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[STATE] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[FEDERAL] Service was made under the direction of a member of the bar of this Court who is admitted to practice and is not a party to this cause.

Executed on June 25, 2010, at San Francisco, California

Joyce E Johnson

1                   **ATTACHED SERVICE LIST**

2       Leo Presiado  
3       RUS, MILIBAND & SMITH  
4       Von Karman Towers  
5       2211 Michelson Drive, 7th Floor  
6       Irvine, CA 92612  
7       Telephone: (949) 752-7100  
8       Facsimile: (949) 252-1514  
9       Attorneys for Defendants Brian Dunning  
10      and Thunderwood Holdings, Inc.  
11      (by electronic transmission)

12      Nora M. Puckett  
13      O'MELVENY & MYERS LLP  
14      Embarcadero Center West  
15      2 Embarcadero Center, 28th Floor  
16      San Francisco, CA 94111  
17      Attorneys for Plaintiff eBay, Inc.  
18      Telephone: 415-984-8700  
19      Facsimile: 415-984-8701  
20      Attorneys for Plaintiff eBay, Inc.

21      Todd Dunning  
22      1 Stockbridge  
23      Aliso Viejo, CA 92656  
24      (by mail)

25      Ross Campbell  
26      COAST LAW GROUP  
27      169 Saxony Road, Suite 204  
28      Encinitas, CA 92024  
29      Attorneys for Defendants Shawn Hogan and  
30      Digital Point Solutions, Inc.  
31      (by electronic transmission)

32      Patrick K. McClellan  
33      Von Karman Towers  
34      2211 Michelson Drive, Suite 700  
35      Irvine, CA 92612  
36      Attorney for Kessler's Flying Circus  
37      (by electronic transmission)